

CANADA

PROVINCE OF NEW BRUNSWICK

IN THE MATTER OF THE *EMERGENCIES ACT*, R.S.C., 1985, c. 22 (4th Supp.)

and

IN THE MATTER OF A COMMISSION APPOINTED BY ORDER IN COUNCIL ON THE 25TH DAY OF APRIL 2022 TO INQUIRE INTO THE CIRCUMSTANCES THAT LED TO THE DECLARATION OF A PUBLIC ORDER EMERGENCY ISSUED ON FEBRUARY 14, 2022, AND REVOKED ON FEBRUARY 23, 2022, AND TO INQUIRE INTO THE MEASURES TAKEN FOR DEALING WITH THE EMERGENCY

AFFIDAVIT OF ANDREW EASTON

I, Andrew Easton, of the Community of Nerepis, in the County of Kings and Province of New Brunswick, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Assistant Deputy Minister for the Security and Emergencies Division of the Department of Justice and Public Safety for the Province of New Brunswick and, as such, I have personal knowledge of the matters deposed hereto, except where otherwise stated.
2. New Brunswick had multiple Anti-Mandate public events prior to the events starting February 11, 2022. This included the following events and observed effects:
 - (a) January 7, 2022 at Premier Blaine Higgs' residence, Quispamsis:
 - (i) Approximately 50 or less attendees;
 - (ii) Minor residential traffic disruption.
 - (b) January 14, 2022 at Premier Blaine Higgs' residence, Quispamsis:
 - (i) Approximately 50 or less attendees;

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- (ii) Minor residential traffic disruption.
- (c) January 22, 2022 at Fredericton City Hall:
 - (i) 2 arrests made by Fredericton Police;
 - (ii) Multiple tickets issued for violation of the *Emergency Measures Act*, R.S.N.B. 2011, c. 147;
 - (iii) Traffic disruption in downtown core for approximately 2 hours.
- (d) January 23, 2022 in downtown Moncton:
 - (i) Approximately 1500 attendees;
 - (ii) Traffic disruption in downtown core for approximately 3 hours.
- (e) January 23, 2022 at New Brunswick/Nova Scotia border:
 - (i) Approximately 200 attendees;
 - (ii) Traffic disruption at interprovincial border sporadically throughout afternoon.
- (f) January 27, 2022, when the Eastern Canada Convoy, on its way to Ottawa, stopped to protest along the way within New Brunswick at the following locations:
 - (i) Irving Big Stop at Aulac (near the Nova Scotia border);
 - (ii) Harrison Boulevard Shell station in Moncton;
 - (iii) Lincoln Big Stop in Fredericton;
 - (iv) Grey Rock Road Shell station in Edmundston;
 - (v) Minor to moderate traffic disruptions occurred at all locations, which included the Trans-Canada Highway.
- (g) January 28, 2022 at Moncton City Hall:
 - (i) Minor local traffic disruptions occurred.
- (h) January 28, 2022 at Premier Higgs' residence in Quispamsis:
 - (i) Approximately 50 or less attendees;
 - (ii) Minor residential traffic disruption;
- (i) January 29, 2022 at New Brunswick and Nova Scotia border:
 - (i) Approximately 75 attendees;
 - (ii) Traffic disruption at interprovincial border sporadically.
- (j) January 29, 2022 at Woodstock, NB/Houlton, Maine (USA)

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International Border:

- (i) Approximately 25 attendees;
- (ii) Traffic impacted at international border for approximately 6 hours.

(k) February 2, 2022 at Legislative Assembly in Fredericton:

- (i) Approximately 50 attendees;
- (ii) Minor local traffic disruptions occurred.

(l) February 5, 2022 at Premier Blaine Higgs' residence, Quispamsis:

- (i) Approximately 150 attendees;
- (ii) Local residential traffic disruptions, including blocked road for approximately one (1) hour
- (iii) Provincial Offense Procedures Act tickets issued under Emergency Management Act.

(m) February 5, 2022 at Legislative Assembly in Fredericton:

- (i) Approximately 50 attendees;
- (ii) Minor local traffic disruptions occurred.

3. Following the above events, I became aware through various police offices and publicly available sources that a similar convoy was preparing to arrive in Fredericton, NB, on February 11, 2022, with a view to gridlock the downtown area in show of support for the Ottawa "Freedom Convoy".

4. On February 11, 2022, the following was either observed and/or reported:

- (a) At approximately 1:30 p.m., in excess of 100 vehicles were observed travelling into Fredericton, NB.
- (b) At approximately the same time, approximately 100 vehicles were observed departing a local truck stop in route towards Fredericton, NB.
- (c) At approximately 2:00 p.m., vehicles and individuals were

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observed blocking a street near the Provincial Legislature and intermittently blocking traffic. A tow truck was called to remove one vehicle. The driver moved the vehicle without the tow truck being required.

- (d) A BBQ was held for protestors and music was being playing via speaker system.
- (e) News crews were being heckled as they reported on site.
- (f) A Star of David was observed in the protest area outside the Provincial Legislature.
- (g) Generators and fuel cans were noted onsite.
- (h) Vehicles displaying flags and posters were observed in the area surrounding the Provincial Legislature.
- (i) Participants were being asked by organizers to sleep in their cars in parking lots outside the downtown core.
- (j) By approximately 5:00 p.m., 300-400 protestors had been observed in downtown Fredericton.
- (k) By the evening, approximately 100 individuals remained onsite in proximity to the Provincial Legislature.

5. On February 12, 2022, the following was observed and/or reported:

- (a) At approximately 2:00 p.m., vehicles were blocking traffic in the vicinity of the Provincial Legislature.
- (b) As of 2:30 p.m., approximately 600 protesters were present in Fredericton, NB.
- (c) Approximately 75-100 protestors were observed marching from the Provincial Legislature to City Hall and returning.
- (d) It was reported that a vehicle struck a protestor during the march with no further details.
- (e) Three transport trucks blocked an overpass near Fredericton, NB for a brief time.

- (f) Protestors attempted to secure portable toilets, without success.
 - (g) At approximately 3:30 p.m., a convoy of approximately 300 vehicles was reported at the University of New Brunswick area
 - (h) By 6:30 p.m., approximately 700 protestors had been onsite throughout the day, either in vehicles or on foot. Approximately 300 protestors remained in the area of the Provincial Legislature.
6. On February 13, 2022, only 50-100 protestors were observed in the downtown Fredericton, NB. A planned protest at the Minister of Education's home on this day was cancelled.
7. Executive Briefings were completed on February 11, 12 and 13, 2022 that reflect the above and copies of same are attached to this affidavit as **Exhibits "A", "B", and "C"**. Some of the above information comes from those documents, but various parts have been redacted as the Province of New Brunswick claims privilege/public interest immunity for security reasons. These documents and photographs contain sensitive information which, if disclosed, could interfere with, harm and/or impede public safety and security in New Brunswick.
8. No other significant protests were observed and/or reported after February 15, 2022.
9. In regard to the amendments of the Mandatory Order, as noted at paragraph 2, the Government of New Brunswick was aware of Anti-Mandate activities within New Brunswick. In addition:
- (a) I had been advised by police officials in New Brunswick and through publicly available sources there were indicators of planned lawful and unlawful anti-mandate protests at multiple locations across Canada;
 - (b) I had been advised by police officials in New Brunswick and

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through publicly available sources that some of these indicators included views espousing violence and significant unlawful protests to impede critical infrastructure, primarily transportation systems, as a means to achieve goals or to target those supporting mandates;

(c) I had been advised by police officials in New Brunswick and through publicly available sources that some indicators indicated intent to impede lawful commerce, including cross-border commerce;

(d) I had been advised by police officials in New Brunswick that there was direct intent to create a protest similar to the Ottawa protest within the City of Fredericton in areas near or at the Legislative Assembly and main offices of government;

(e) I had been advised by police officials in New Brunswick that additional measures derived through and supported by the Mandatory Order issued under the *Emergency Measures Act* would allow effective law enforcement to result in keeping people safe, keeping the peace and, where necessary, to enforce enactments, while protecting and supporting the *Charter* rights of lawful protesters.

10. Based on the above information and belief, the Mandatory Order that was in place in New Brunswick was amended on February 9, 2022 to include sections 34 to 38, which provided prohibitions at subsections 34(a),(b) and (c) to help deal with the anticipated protests. Attached as **Exhibit "D"** is a copy of the Mandatory Order that came into force on February 9, 2022.
11. The Mandatory Order was further amended on February 11 and 18 (along with February 25, 27 and March 11), but the provisions relating to prohibitions on blockades, among other things, continued to be present in the Mandatory Order until March 14, 2022, when the Mandatory Order was ended in its entirety. Attached as **Exhibit "E"** is a copy of the Mandatory

Order of February 11, 2022 and attached as **Exhibit "F"** is a copy of the Mandatory Order of February 18, 2022.

12. The levels for Office of the Provincial Security Adviser ("OPSA") and New Brunswick Emergency Measures Organization ("NBEMO") reflect the anticipated level of coordination, liaison, analysis and action required for the various organizations. As the levels rise, so do staffing and leadership requirements. Level 3 would be the highest level.
13. The Fredericton Emergency Measures Organization ("Fredericton EMO") is not within our purview and I cannot comment on same.
14. In regard to coordination with other agencies in this matter, other information was obtained and shared to mutually support the mandate along with potential, and actual, decisions of each organization.
15. Generally, in regard to weather, adverse weather conditions tend to mitigate the size and persistency of lawful and unlawful protests.
16. Protests are a normal occurrence in a provincial capital like Fredericton, but unlawful protest activity is rare. There have been limited occupations of government property on occasion – the details of which are publicly available – but none of this magnitude and none with similar intent.
17. Other information within this affidavit also came from various security documents on which the provincial government for the Province of New Brunswick claims a privilege/public interest immunity for security reasons. These documents contain sensitive information which, if disclosed, could interfere with, harm and/or impede public safety and security in New Brunswick.

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SWORN TO at the City of
 Fredericton, in the County of York
 and Province of New Brunswick this
07 day of ~~October~~, 2022.

November.

BEFORE ME:

Elizabeth Joyce Fowler

COMMISSIONER OF OATHS

Being a Solicitor *BS*

on which it expires Dec. 31/24

[Signature]
 Andrew Easton

ELIZABETH JOYCE FOWLER
Commissioner of Oaths
My Commission Expires
December 31, 2024

Executive Briefing Anti-Mandate Events

Department of Justice and Public
Safety

Current as of 1700hrs, February 11, 2022



*Not for distribution without the consent of the
Office of the Provincial Security Advisor*

Strategic Context

Protected B / Medium Sensitive RTIPPA 17(1) (c)

Context

- Anti-COVID Mandate protests are occurring on Fredericton Feb. 11.
- GNB has engaged with law enforcement and municipal partners to coordinate.
- Expected potential impacts: traffic disruptions, emergency / medical response times, economic disruptions.
- The protests currently underway across Canada are important for context.

Impact Summary

Current Impacts

School Closures

- South side schools closed

Government Offices

- Remote work with few exceptions

Business Closures

- Open sources indicate businesses remained open

Traffic

- Only minor traffic disruptions were noted

Impact Summary

Traffic Check Points

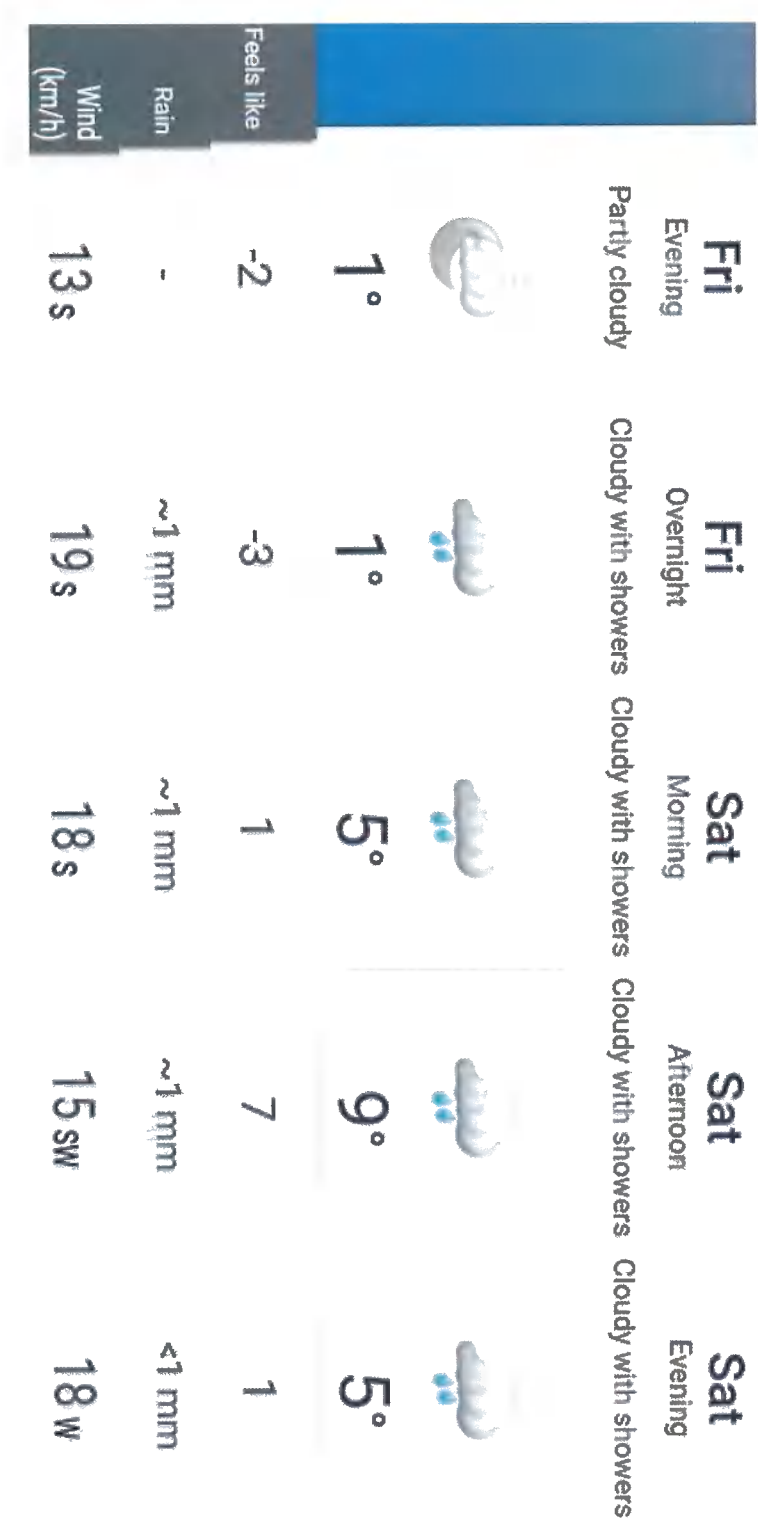
- All heavy trucks stopped at traffic control points checking manifest for need to do business in Fredericton.
- All heavy trucks without evidence for work in Fredericton were turned around.
- All personal vehicles were permitted to enter.



Fredericton Weekend Weather

Sunrise: 7:30 Sunset: 17:41
Location: Fredericton

- Warm weather anticipated on Saturday, favourable for outdoor gatherings.



[REDACTED]

[REDACTED]

Protected B / Medium Sensitive RTIPPA 17(1) (c) Advice to Minister

Protected B / Medium Sensitive RTIPPA 17(1) (c) Advice to Minister

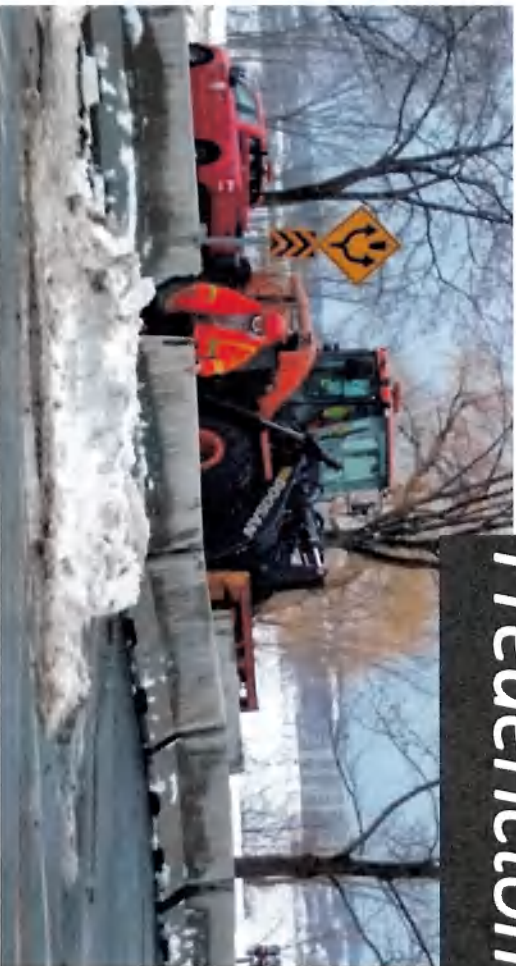
[REDACTED]

[REDACTED]





Fredericton Protest Images



Critical Infrastructure in NB: Sector Impacts

CI Sector	Potential Impacts
Energy & Utilities	
Health & Safety	
Transportation	
Supply Chain	
Information Communications Technology	

Trend Tracker: Public Sentiment

Fredericton protest comments primarily focused street closures and the potential for delays.

Many comments are critical of the protest and those participating, but because the protest is expected to be temporary seems to be tempering the criticism.

There are concerns about the impact on downtown businesses, although many are taking a wait-and-see approach to potentially closing if the protest causes significant issues.

Protected B / Medium Sensitive RTIPPA 17(1) (c) Advice to Minister

Protests in NB

Place	Date	Topic	Number of Protestors
Downtown Fredericton	02/11/22 (expected throughout the weekend)	Anti-Mandate- Support for Ottawa	As of 1700 300-400 Expected numbers for Saturday: 8 convoys
Saint-Quentin	02/11/22	School Anti Mandate	100 expected
Leo Hayes Hignschool, Fredericton	02/11/22	School Anti-Mandate	100 expected
Pennfield	02/12/22	Slow Roll in support of Fredericton convoy	100 vehicles
Minister Cardy's Residence	02/13/22	Anti-Mandate	30-40 expected

Anti-Mandate Protest Media Reporting - NB



Police barricade street, schools close, ahead of anti mandate protest in Fredericton: Police in Fredericton have barricaded a street in front of the provincial legislature, and schools in the downtown have closed in anticipation of a protest today against COVID-19 public health measures. (Global)

Protesters begin to gather, some schools closed as Fredericton awaits crowd: Protesters began to gather outside the New Brunswick legislature, as a heavy police presence stood by in response to threats. Police set up several checkpoints leading into the city, including on Lincoln Road and Kimble Drive. (CBC)

Crowd of protesters grows in front of Fredericton legislature: About 250 protesters gathered outside the New Brunswick legislature on Friday by 2 p.m. under the watchful eyes of a heavy police presence. Many were carrying signs and flags, and almost no one wore a face mask. There was sporadic honking, chants of "freedom," and one man with a bullhorn siren. (CBC)

Hospital worker support rally axed over safety concerns: The Saturday noon-hour gathering intended to take place near the Chalmers Hospital has been called off due to public safety concerns. (Telegraph-Journal)

Anti-Mandate Protest Media Reporting - Canada

Protected B / Medium Sensitive RTIPPA 17(1)(c) Advice to Minister

Police negotiators convince some trucks to leave, but most won't budge: Chief Peter Slovy said negotiators have managed to convince the drivers of 25 of more than 400 trucks to leave over the past 24 hours, including 12 from the Coventry Road encampment area and 10 more from Wellington Street in front of Parliament Hill. (CBC)

Ontario court freezes access to donations for truckers' protest from GiveSendGo: The province obtained an order from the Superior Court of Justice that prohibits anyone from distributing donations made through the website's "Freedom Convoy 2022" and "Adopt-a-Trucker" campaign pages, said a spokeswoman for Premier Doug Ford. (CTV)

Alberta NDP calls on UCP to suspend commercial operators licences as Coutts protest enters 13th day: As the protest at Coutts, Alta., enters its 13th day, the Opposition NDP is calling on the United Conservative Party to take action after a Medicine Hat woman's family members lost their mother while being stuck behind the convoy. (Global)

Auto groups, City of Windsor seek injunction to end Ambassador Bridge blockade of Ontario-U.S. traffic: Auto-industry groups, backed by the City of Windsor, Ont., are seeking an injunction to end a blockade by protesters at the foot of the Ambassador Bridge that has been disrupting traffic on the major U.S.-Canada trade route since Monday. (CBC)



Ottawa Protest Day 14

Enforcement

Police chief warning people not to come to demonstrations this weekend. The removal of 10 trucks from the downtown core was negotiated.

Protestors

Ottawa and Eastern Ontario school boards are preparing for possible demonstrations such as convoys outside schools today. 3 schools have closed proactively.



Continued demonstrations in Ottawa increases support in other provinces including New Brunswick.



Executive Briefing Anti-Mandate Events

Department of Justice and Public
Safety

Current as of 1500hrs, February 12, 2022

*Not for distribution without the consent of the
Office of the Provincial Security Advisor*



Strategic Context

Context

- Significantly more protesters in downtown Fredericton today with approximately **700 people**.
- **Police are enforcing court injunction to remove blockade on Ambassador Bridge between Windsor and Detroit**
- GNB has engaged with law enforcement and municipal partners to coordinate.
- The protests currently underway across Canada are important for context.

New information in bold



Impact Summary

Current Impacts

Business Closures

- Open sources indicate businesses remained open

Traffic

- Additional traffic controls added Saturday afternoon

Impact Summary

Traffic Check Points

- All heavy trucks stopped at traffic control points checking manifest for need to do business in Fredericton.
- All heavy trucks without evidence for work in Fredericton were turned around today.
- < 30 min. blockage at Nevers Rd. (17 km east of downtown) resolved with police action.
- All personal vehicles were permitted to enter.



Fredericton Weekend Weather

Sunrise: 7:34 Sunset: 17:49

- Icy conditions on Sunday could be a safety concern.

	Sat	Sat	Sun	Sun
	Evening	Overnight	Morning	Afternoon
	Partly cloudy	Partly cloudy	A mix of sun and clouds	A mix of sun and clouds
				
	4°	-6°	-9°	-6°
Feels like-	1	-12	-15	-10
Wind-	15 w	18 w	14 nw	11 nw





Saturday Protest Images



NB Critical Infrastructure: Sector Status

CI Sectors	Status	Potential Impacts
 Energy & Utilities		
 Health & Safety		
 Transportation		
 Supply Chain		
 IT & Comms		

 No impact
  Minor impacts, no effect on service
  Significant operational impacts

Public Sentiment

NB protest comments were primarily reporting on the protest itself and the effectiveness of the precautions taken by the Fredericton Police

Questions regarding what will occur on Saturday were posted but mostly from individuals wondering about businesses being opened and traffic patterns.

Protests in NB

Place	Date	Topic	Number of Protestors
Downtown Fredericton	02/11/22 02/12/12	Anti Mandate-Support for Ottawa	As of 14:45 700 at LEG 50 at City Hall
St. Andrews	02/12/22	Anti-Mandate	100 vehicles expected
Minister Cardy's Residence	02/13/22	Anti-Mandate	30-40 expected

Anti-Mandate Protest - NB

Intensification of anti-mandate protests could affect tone in NB

Crowd outside N.B. legislature grows on 2nd day of protest: Four police cruisers and at least 20 officers were stationed along the perimeter set up to control the Fredericton protest, which has been essentially peaceful since its beginning Friday afternoon. (CBC)

No criminal code offenses during Friday night's protest, Fredericton Police continue to monitor: There were no criminal code offenses Friday night. Police say one Motor vehicle Act ticket had been issued around 5:30 a.m. Saturday due to improper use of a horn. (CTV)

Anti-Mandate Protests

Intensification of anti-mandate protests could affect tone in NB.

PM says 'everything' on the table to end blockades, following Biden call: Prime Minister Justin Trudeau says that “everything”—with the exception of deploying the Canadian Armed Forces—is currently on the table. (CBC)

Police move in on Ambassador Bridge protesters: Windsor Police have started to move in on the convoy protesters blocking the Ambassador Bridge. (CTV)

Paris Police use tear gas on protesters: Protesters in a so-called “Freedom Convoy” completely blocked traffic in the French capital before they were met with tear gas fired by officers. (CNN)

TD Bank freezes two personal accounts that received over \$1M for trucker convoy: TD applied to the Ontario Superior Court of Justice on Friday to return funds, sent through GoFundMe and bank transfers, to donors. (Global)



Executive Briefing Anti-Mandate Events

Department of Justice and Public
Safety

Current as of 1500hrs, February 13, 2022



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Strategic Context

Context

- Significantly less protesters in downtown Fredericton today with approximately **50 people; down from 700 on Saturday.**
- GNB continues to engage with law enforcement and municipal partners to coordinate.
- Anti-Mandate protest tension is sustained increasingly complex across Canada.

New information in bold

Impact Summary

Current Impacts

Business Closures

- Open sources indicate businesses remain open

Traffic

- Additional traffic controls added Saturday afternoon when necessary, have since re-opened

Impact Summary

Traffic Check Points

- All heavy trucks stopped at traffic control points checking manifest for need to do business in Fredericton.
- All heavy trucks without evidence for work in Fredericton continue to be turned around today.
- All personal vehicles were permitted to enter.
- It is an offense under the Emergency Management Act to impede a roadway.



Fredericton Weather

Sunday February 13
Sunrise: 7:32 Sunset: 17:50

- Colder temperatures through Tuesday could be safety concern if protesters stay on-site

	Sun Evening	Sun Overnight	Mon 02/14	Tue 02/15	Wed 02/16	Thu 02/17	Fri 02/18
	Mainly cloudy	Mainly cloudy	Flurries	A mix of sun and clouds	Mainly sunny	Cloudy with showers	Light rain
							
Feels like-	-10°	-14°	-11°	-11°	-5°	9°	7°
	-15	-22	-17	-18	-11	5	3
Wind-	11 NE	15 NE	16 N	18 W	16 S	27 SW	29 NW

Anti-Mandate Protests in Canada

Protests

Surrey, BC

Several commercial trucks and a military-style vehicle broke through an RCMP barricade.

Coutts, AB

CBSA has closed the Coutts port of entry until further notice.

Winnipeg, MB

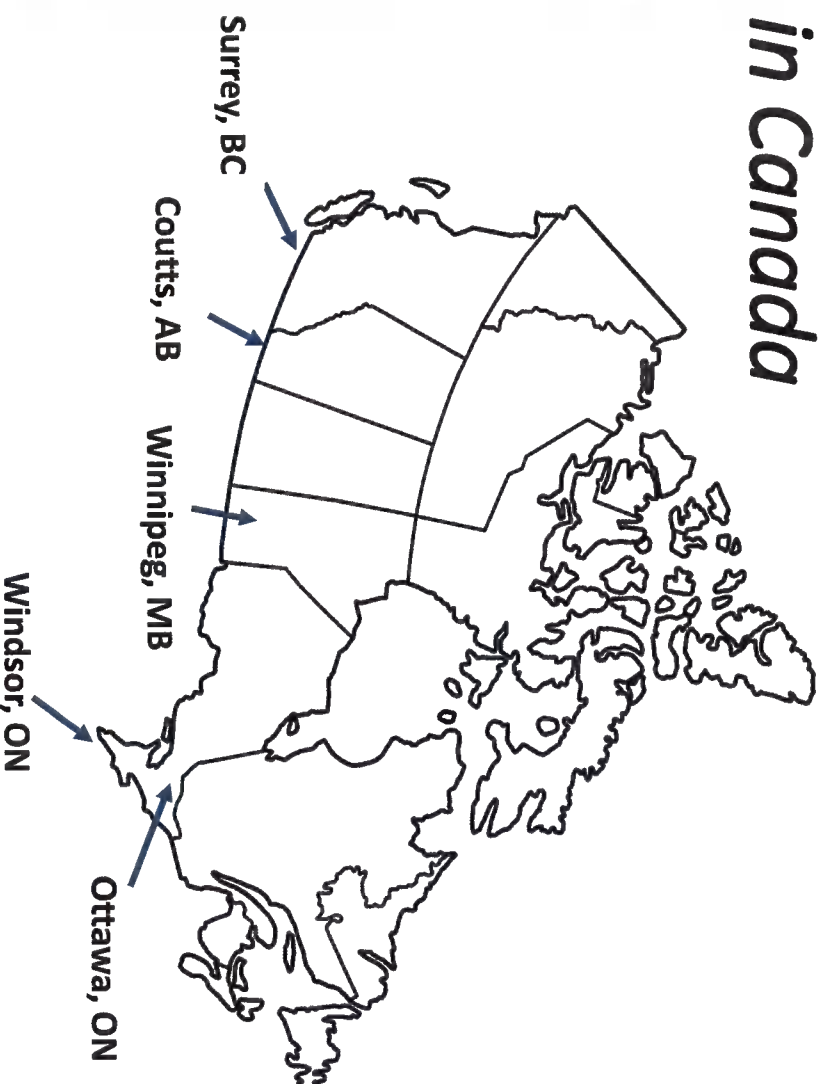
Hundreds gathered for dueling protests at the Legislature.

Windsor, ON

25 protesters returned after Ambassador Bridge was cleared on Saturday.

Ottawa, ON

26 criminal charges, more than 2,600 tickets issued by police.



Anti-Mandate protest tension is sustained increasingly complex across Canada.

Anti - Mandate Protest - NB

Another quiet morning for protesters as they ready for Day 3: Despite a large crowd Saturday with participants vowing to protest "indefinitely," fewer than 10 protest vehicles were on site Sunday morning.

Despite larger crowds, Fredericton mayor finds second day of protests peaceful: Mayor Kate Rogers says people were protesting in greater numbers in downtown Fredericton on Saturday, but the crowds opposed to COVID-19 rules and vaccine mandates remained peaceful.

Public Sentiment

Police inaction is being heavily criticized in Windsor and Ottawa.

In NB, as the protest remained relatively peaceful, the majority of complaints were due to protestors honking their horns.

Protests in NB

Place	Date	Topic	Number of Protestors
Downtown Fredericton	02/11/22 02/12/22 02/13/22	Anti-Mandate Support for Ottawa	As of 14:00 50 protestors
Minister Cardy's Residence	02/13/22	Anti-Mandate	Protest organizers cancelled event and did not appear.



